

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSE L. YOUNGBLOOD,

Plaintiff,

v.

TUTOMER, et al.,

Defendants.

No. 1:24-cv-00013-KES-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DENY IN
FORMA PAUPERIS STATUS AND
ORDERING PLAINTIFF TO PAY FILING
FEE

Doc. 8

Plaintiff Jesse L. Youngblood is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 4, 2024, plaintiff filed his initial complaint along with a motion to proceed in forma pauperis. Docs. 1, 2. On January 9, 2024, the assigned magistrate judge issued findings and recommendations that plaintiff's application to proceed in forma pauperis be denied pursuant to 28 U.S.C. § 1915(g) and that plaintiff be required to pay the \$405.00 filing fee in full to proceed with this action. Doc 8. Specifically, the findings and recommendations find that plaintiff has accumulated more than three "strikes" and that he has failed to demonstrate that he meets the imminent danger exception under 28 U.S.C. § 1915(g). *Id.* at 2. Plaintiff timely filed objections on January 22, 2024. Doc. 9.

1 Plaintiff's objections assert that he is "guaranteed...viable and adequate access to the
2 courts for available remedies." *Id.* at 2. However, the findings and recommendations do not
3 recommend dismissal of plaintiff's case; they recommend that plaintiff not be allowed to proceed
4 in forma pauperis. If plaintiff pays the required filing fee, his action may proceed. In his
5 objections, plaintiff also argues he should be granted in forma pauperis status in this action
6 because he had previously been granted such status in prior cases. *Id.* at 2. However, the
7 determination of in forma pauperis status in the instant action is based on plaintiff's present
8 circumstances, and the magistrate judge correctly found that in forma pauperis status should be
9 denied as the plaintiff has three prior "strikes" and fails to meet the imminent danger exception
10 under 28 U.S.C. § 1915(g). Doc. 8.

11 Pursuant to 28 U.S.C. § 636 (b)(1), this Court conducted a de novo review of the case.
12 Having carefully reviewed the matter, the Court concludes the findings and recommendations are
13 supported by the record and proper analysis. Thus, plaintiff may not proceed in forma pauperis
14 and is required to pay the filing fee in full before proceeding any further with this action.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The findings and recommendations issued on January 9, 2024, Doc. 8, are ADOPTED in
17 full;
- 18 2. Plaintiff is PRECLUDED from proceeding in forma pauperis in this action pursuant to 28
19 U.S.C. § 1915(g); and
- 20 3. Plaintiff SHALL pay the \$405.00 filing fee within thirty (30) days of the date of service of
21 this order. If plaintiff fails to pay the filing fee within the specified time, this action will
22 be dismissed without further notice.

23
24
25 IT IS SO ORDERED.

26 Dated: January 10, 2025


UNITED STATES DISTRICT JUDGE